

Notice of Allowability

Application No.

09/976,119

Examiner

Gregg Cantelmo

Applicant(s)

VU ET AL.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment 4/19/04 and telephone interview 6/21/04.
2. ☒ The allowed claim(s) is/are 1-38 and 40-56.
3. ☒ The drawings filed on 19 April 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date January 30, 2002
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date June 21, 2004 .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Gregg Cantelmo
Primary Examiner
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DETAILED ACTION

Drawings

1. The formal drawings have been received April 19, 2004 and are acceptable.

Information Disclosure Statement

2. The information disclosure statement filed January 30, 2002 has been placed in the application file and the information referred to therein has been considered as to the merits. A copy of page 2 of the IDS is being supplied to Applicant.
3. The information disclosure statement filed March 19, 2002 has been placed in the application file and the information referred to therein has been considered as to the merits.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Adam J. Forman on June 21, 2004.

The application has been amended as follows:

- a. In claim 33, at line 8, the term "pat" has been amended to --path--;
- b. In claim 44, at line 12, the term "low" has been amended to --flow--.

Allowable Subject Matter

5. Claims 1-38 and 40-56 are allowed.
6. The following is an examiner's statement of reasons for allowance: none of the prior art of record are considered to teach, suggest or render obvious the invention of claims 1-38 and 40-56.
 - a. With respect to claims 1-15 and 55-56, see items 13 and 14 of the previous office action, incorporated herein.
 - b. With respect to claims 16-24 and 52-53, see item V-A of Applicant's remarks, incorporated herein, for differences between the instant claims and the prior art of Siemensi;
 - c. With respect to claims 25-27, see item V-B of Applicant's remarks, incorporated herein, for differences between the instant claims and the prior art of Siemensi;
 - d. With respect to claims 28-32, see item 17 of the previous office action, incorporated herein;
 - e. With respect to claims 33-37 and 54, see item V-C of Applicant's remarks, incorporated herein for differences between the instant claims and the prior art of Siemensi;
 - f. With respect to claims 38 and 40-42, see item VI of Applicant's remarks, incorporated herein, for differences between the instant claims and the prior art of Siemensi in view of Machida;

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g. With respect to claim 43, see item V-C (second subheading V-C on page 20) of Applicant's remarks, incorporated herein, for differences between the instant claims and the prior art of Siemenski;

h. With respect to claims 44-51 see item V-III of Applicant's remarks, incorporated herein, for differences between the instant claims and the prior art of Siemenski. Also see item 15 of the previous office action.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregg Cantelmo whose telephone number is (571) 272-1283. The examiner can normally be reached on Monday to Thursday from 9 a.m. to 6 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. FAXES received after 4 p.m. will not be processed until the following business day. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregg Cantelmo
Primary Examiner
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gc

A handwritten signature in cursive script, appearing to read "Gregg Cantelmo".

June 21, 2004